

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

120
JAMES E. OLIN
CLERK

2009 JAN -6 P 4:43

UNITED STATES OF AMERICA

: Case No: CR-2-08-163

v.

JUDGE WATSON

:

ADAM C. MCCLELLAN
ELISHA LACY DICKENS

: 18 U.S.C. §2
: 18 U.S.C. §924(c)
18 U.S.C. §924(j)
18 U.S.C. §1952
18 U.S.C. §2261(A)(1)
18 U.S.C. §2261(b)(1)
21 U.S.C. §846.

S U P E R S E D I N G
I N D I C T M E N T

THE GRAND JURY CHARGES:

COUNT 1

On or about June 7, 2008, in the Southern District of Ohio and elsewhere, the defendants, ADAM C. MCCLELLAN, ELISHA LACY DICKENS and Michael A. Haynie who is not named as a defendant in this Superseding Indictment, did knowingly travel in interstate commerce, from the State of Ohio to the State of West Virginia, with the intent to kill, injure or harass another person, that is, Christopher Roush, and in the course of, or as a result of, such travel, the defendants, ADAM C. MCCLELLAN and ELISHA LACY DICKENS placed Christopher Roush in reasonable fear of death or serious bodily injury, and such acts resulted in the death of Christopher Roush.

In violation of 18 U.S.C. §§2261A(1), 2261(b)(1) and 2.

COUNT 2

On or about June 7, 2008, in the Southern District of Ohio and elsewhere, the defendants, **ADAM C. MCCLELLAN, ELISHA LACY DICKENS** and Michael A. Haynie who is not named as a defendant in this Superseding Indictment, did knowingly use, carry, brandish and discharge a firearm, that is, a pistol, during and in relation to a crime of violence, for which he may be prosecuted in a court of the United States, that is, traveling in interstate commerce with the intent to kill, injure or harass another person, in violation of 18 U.S.C. §2261A(1), and in so doing, the defendants, **ADAM C. MCCLELLAN, ELISHA LACY DICKENS** and Michael A. Haynie, committed murder as defined in 18 U.S.C. §1111, that is the unlawful killing of Christopher Roush, with malice aforethought.

In violation of 18 U.S.C. §§924(c), 924(j)(1) and 2.

COUNT 3

On or about June 7, 2008, in the Southern District of Ohio and elsewhere, the defendants, **ADAM C. MCCLELLAN, ELISHA LACY DICKENS** and Michael A. Haynie who is not named as a defendant in this Superseding Indictment, did knowingly travel in interstate commerce, from the State of Ohio to the State of West Virginia, with the intent to commit a crime of violence to further an

COUNT 5

From on or about April 1, 2008, through and including June 7, 2008, the exact dates being unknown, in the Southern District of Ohio and elsewhere, the defendants, **ADAM C. MCCLELLAN** **ELISHA LACY DICKENS** and Michael A. Haynie who is not named as a defendant in this Superseding Indictment, did knowingly, intentionally, and unlawfully combine, conspire, confederate and agree with each other and with diverse other persons, both known and unknown to the Grand Jury, to possess with the intent to distribute and to distribute a mixture or substance containing a detectable amount of cocaine, and cocaine base commonly known as crack, which are Schedule II controlled substances, in violation of 21 U.S.C. §841(a)(1) and §841(b)(1)(C).

In violation of 21 U.S.C. §846.

COUNT 6

On or about June 7, 2008, in the Southern District of Ohio and elsewhere, the defendants, **ADAM C. MCCLELLAN**, **ELISHA LACY DICKENS** and Michael A. Haynie who is not named as a defendant in this Superseding Indictment, did knowingly use, carry, brandish and discharge a firearm, that is, a pistol, during and in relation to a drug trafficking crime, that is, conspiracy to possess with the intent to distribute and to distribute a mixture

unlawful activity, that is conspiracy to distribute and possess with intent to distribute a controlled substance, in violation of 21 U.S.C. §846, and thereafter committed and attempted to commit the crime of violence, that is robbery and/or burglary and/or murder to further such unlawful activity, and the crime of violence resulted in death of Christopher Roush.

In violation of 18 U.S.C. §§1952 and 2.

COUNT 4

On or about June 7, 2008, in the Southern District of Ohio and elsewhere, the defendants, **ADAM C. MCCLELLAN, ELISHA LACY DICKENS** and Michael A. Haynie who is not named as a defendant in this Superseding Indictment, did knowingly use, carry, brandish and discharge a firearm, that is, a pistol, during and in relation to a crime of violence, for which they may be prosecuted in a court of the United States, that is, traveling in interstate commerce with the intent to commit a crime of violence to further an unlawful activity, in violation of 18 U.S.C. §1952, and in so doing, the defendants, **ADAM C. MCCLELLAN, ELISHA LACY DICKENS** and Michael A. Haynie, committed murder as defined in 18 U.S.C. §1111, that is the unlawful killing of Christopher Roush, with malice aforethought.

In violation of 18 U.S.C. §924(c), 924(j)(1) and 2.

or substance containing a detectable amount of cocaine, and cocaine base commonly known as crack, in violation of 21 U.S.C. §846, and in so doing, the defendants, **ADAM C. MCCLELLAN, ELISHA LACY DICKENS** and Michael A. Haynie, committed murder as defined in 18 U.S.C. §1111, that is the unlawful killing of Christopher Roush, with malice aforethought.

In violation of 18 U.S.C. §924(c), 924(j)(1) and 2.

A TRUE BILL.

5/Foreperson
FOREPERSON

GREGORY G. LOCKHART
UNITED STATES ATTORNEY

Gary L. Spartis
GARY L. SPARTIS
Deputy Criminal Chief
Assistant United States Attorney